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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,650	12/20/1999	ROBERT EVERETT PARKHILL	0500.9907201	1437
23418 7590 07/03/2007 VEDDER PRICE KAUFMAN & KAMMHOLZ 222 N. LASALLE STREET CHICAGO, IL 60601			EXAMINER WOOD, WILLIAM H	
			ART UNIT 2193	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/466,650

Applicant(s)

PARKHILL, ROBERT EVERETT

Examiner

William H. Wood

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) 1,3-13,15-23 and 25-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-13,15-23 and 25-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1, 3-13, 15-23 and 25-28 are pending and have been examined.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11 April 2007 has been entered.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-9 and 11-15, 17-20, 22-23 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cheng** et al. (EP 0 811 942 A2) in view of **Venkatesan** et al. (USPN 6,209,093) in further view of **Thawte's** "Web Server Certificates: 3.x Root Rollover".

Claim 1

**Cheng** disclosed a method for updating data for a first processing entity, for detection by at least a second processing entity comprising the steps of:

detecting a need to update data for the first processing entity, based on a communication with the second processing entity (*page 3, lines 14-48*);  
automatically redirecting, communication from the first processing entity and the second processing entity, to the first processing entity and the third processing entity, under control of the second processing entity, in response to detecting the need to update data (*page 3, lines 14-48*);  
providing updated data for the first processing entity, by the third processing entity (*page 3, lines 14-48*)

**Cheng** did not explicitly state *providing update complete data which is different from the updated data, under control of the third processing entity, for the second processing entity*. **Venkatesan** demonstrated that it was known at the time of invention to provide from a vender, third entity, update complete data for a second entity, vender related service provider (column 14, line 48 to column 15, line 15; note cookie communication of successfully updated/installed software). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the multi-party installation system of **Cheng** with authentic update status communication between entities as found in **Venkatesan**'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide

secure communication about the validity of update/installations (**Venkatesan**: column 14, lines 63-65). Further note, service provider database as extension of the vender (**Cheng**: page 3, lines 18-19).

**Venkatesan** and **Cheng** did not explicitly teach update root CA certificate data. **Thawte** demonstrated that it was known at the time of invention to publish notices and require update of web browsers based upon root certificates (first page, first paragraph; and first page, fifth bulleted item under "Netscape Navigator 3.x"). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the system of **Cheng** with updating browsers and certificates as new certificates become available as found in **Thawte**'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to update software as updates become available (**Cheng**: page 13, lines 4-5) in order to ensure correct security operations (**Thawte**: first page, first paragraph).

Claim 4

**Cheng, Venkatesan** and **Thawte** disclosed the method of claim 1 wherein the step of providing update complete data includes providing the update complete data for the second processing entity, by way of the first processing entity (**Venkatesan**: column 14, lines 53-56).

Claim 5

**Cheng, Venkatesan** and **Thawte** disclosed the method of claim 1 wherein the step of providing update complete data includes providing the update complete data to the second processing entity (**Venkatesan**: column 14, lines 53-56; **Cheng**: page 3, lines 18-19).

Claim 6

**Cheng, Venkatesan** and **Thawte** disclosed the method of claim 1 wherein the step of detecting a need to update data includes the step of determining whether a connection request between the first processing entity and the second processing entity includes a cookie associated with the second processing entity (**Venkatesan**: column 14, lines 53-56).

Claim 7

**Cheng, Venkatesan** and **Thawte** disclosed the method of claim 1, wherein the data includes certificate data (**Thawte**: first page, fifth bulleted item under "Netscape Navigator 3.x"; **Venkatesan**: column 14, lines 52-53) and wherein the method also includes determining whether a certificate update should occur for the first processing entity based on whether cookies have been received by the first processing entity from the second and third processing entities (**Cheng**: page 3, lines 14-48; page 17, lines 20-30 and 49-55; **Venkatesan**: column 14, lines 54-56 and column 15, lines 7-15).

Claim 8

**Cheng, Venkatesan** and **Thawte** disclosed the method of claim 1 further including the step of automatically redirecting communication from the first processing entity and the third processing entity to the first processing entity and the second processing entity based on update confirmation data (**Cheng:** *page 3, lines 14-48*).

Claim 9

**Cheng, Venkatesan** and **Thawte** disclosed the method of claim 1 wherein the step of automatically redirecting communication from the first processing entity further includes the step of sending, by the second processing entity, a uniform resource locator of the third processing entity, to the first processing entity in response to the second processing entity detecting the need to update data for the first processing entity (**Cheng:** *page 3, lines 23-25*).

Claim 11

**Cheng, Venkatesan** and **Thawte** disclosed the method of claim 1 wherein the step of providing update complete data under control of the third processing entity includes sending a redirect command back to the first processing entity, by the third processing entity, to direct the update complete data to be sent by the first processing entity to the second processing entity, and wherein the

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method further includes the step of sending, in response to the update complete data, a cookie from the second processing entity to the first processing entity to confirm acceptance of the update (**Cheng**: page 3, lines 14-48; page 17, lines 20-30 and 49-55; **Venkatesan**: column 14, lines 54-56 and column 15, lines 7-15).

Claims 12-15, 17-20, 22-23 and 26-27

The limitations of claims 12-15, 17-20, 22-23 and 26-27 correspond to claims 1, 4-9 and 11 and as such are rejected in the same manner. Note web (browsers and servers) based protocol for the update system applications described by **Cheng** (page 17, lines 3-5, HTTP)

Claim 28

The limitations of claim 28 correspond to the limitations of claims 1, 9 and 23 and as such are rejected in the same manner by **Cheng**, **Venkatesan** and **Thawte**.

3. Claims 3, 10, 16, 21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cheng** et al. (EP 0 811 942 A2) in view of **Venkatesan** et al. (USPN 6,209,093) in further view of **Thawte**'s "Web Server Certificates: 3.x Root Rollover" and in further view of Netscape's "**SmartUpdate** Developer's Guide".



Claim 3

**Cheng** and **Venkatesan** did not explicitly state the method of claim 1 including the step of providing update confirmation data from the first processing entity to the third processing entity. **SmartUpdate** demonstrated that it was known at the time of invention to provide a confirmation of update (chapter 4, section “Finalize or Abort the Installation”, page 6). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the multi-part update system of **Cheng** with update confirmation to the vendor as found in **SmartUpdate**’s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to verify an installation for an accurate cookie to be sent, instead of the case of abort (chapter 4, section “Finalize or Abort the Installation”, page 6).

Claim 10

**Cheng** and **Venkatesan** did not explicitly state the method of claim 9 including the steps of:

sending, by the third processing entity, update instructions to the first processing entity and a request for confirmation of completion of an update.

sending, by the first processing entity, update confirmation data to the third processing entity in response to receiving the request for confirmation of completion of an update.

**SmartUpdate** demonstrated that it was known at the time of invention to provide a confirmation of update (chapter 4, section “Finalize or Abort the Installation”, page 6). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the multi-part update system of **Cheng** with update confirmation to the vendor as found in **SmartUpdate’s** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to verify an installation for an accurate cookie to be sent, instead of the case of abort (chapter 4, section “Finalize or Abort the Installation”, page 6).

#### Claims 16, 21 and 25

The limitations of claims 16, 21 and 25 correspond to claims 3 and 10 and as such are rejected in the same manner.

#### ***Response to Arguments***

Applicant's arguments filed 10 January 2007 have been fully considered but they are not persuasive. Applicant argues: <sup>1)</sup> **Cheng** fails to disclose *automatically* redirecting communication or redirecting in general; <sup>2)</sup> **Venkatesan** fails to demonstrate update complete data being passed between

the correct number of processing entities; <sup>3)</sup> **Thawte** fails to disclose automatically updating; <sup>4)</sup> as to claim 23, **Cheng** fails to disclose a “web server” or communicating with a database of update information during a determination of a need for updates; <sup>5)</sup> **Venkatesan**’s cookie is not as Applicant claims; and <sup>6)</sup> claim 7 is not properly disclosed.

First, “automatically” is provided by **Cheng** by the fact that a computer is involved. The word provides no specific implementation and whether a user is or isn’t part of the process is not relevant. Also, “redirection” is provided as a communication is provided by a first and second entity and then, because of actions associated with the second entity, communication is provided between a first and third entity. The claims are no more limiting than the broadest reasonable interpretation.

Second, the manufacturer is referenced in **Venkatesan** as providing functionality and thus is a “processing entity” (a broad term). The processing entities, therefore, do correspond to the claims and the update complete data is provided to the second entity, the “vendor related service provider”.

Third, **Cheng** provides automatic updating (as noted by Applicant: page 19, end of first paragraph; and motivated by **Cheng**: page 13, lines 4-5). In obvious combination with an automatic updating system, **Cheng**, the cited **Thawte** does not need to provide an automatic functionality, which is already present.

Fourth, as previously noted, web servers and browsers are provided by **Cheng** (page 17, lines 3-5). Further, it is noted the claims never reference a “determination” step. Under the broadest reasonable interpretation, as much as the claims can be said to cover a “determination” time period, such a period is as long as all the sub-steps of **Cheng** require to determine, select, and retrieve the updates.

Fifth, regardless of the cookies content, the information communicated indicates whether the versions are update and thus whether to update.

Sixth, in obvious combination, **Venkatesan** provides cookies for communication of update data and **Thawte** indicates what type of data to update. **Cheng** itself indicates the process of updating.

Therefore, having addressed Applicant’s raised concerns, the rejections are maintained as indicated above.

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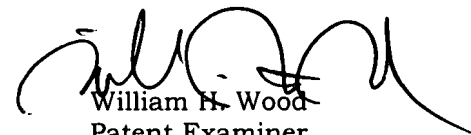
***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)-272-3756. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



William H. Wood  
Patent Examiner

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June 23, 2007